

ORDINANCE NO. 2001 - 005

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE DEVELOPMENT AMENDMENT 01-SCA 83 COM 1 (ZANK 3/WALGREENS); MODIFYING PAGE 83 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 1.95 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF HYPOLUXO ROAD, APPROXIMATELY 233 FEET WEST OF CONGRESS AVENUE, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW, WITH AN UNDERLYING 5 UNITS PER ACRE (CL/5) WITH CROSS-HATCHING ON THE WESTERN 200 FEET OF THE SITE, SUBJECT TO CONDITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on January 26, 2001, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations

1 regarding the proposed amendments to the Palm Beach County Board of  
2 County Commissioners pursuant to Chapter 163, Part II, Florida  
3 Statutes; and

4 WHEREAS, the Palm Beach County Board of County Commissioners, as  
5 the governing body of Palm Beach County, conducted a public hearing  
6 pursuant to Chapter 163, Part II, Florida Statutes, on February 22,  
7 2001, to review the recommendations of the Local Planning Agency and to  
8 consider adoption of the amendments; and

9 WHEREAS, the Palm Beach County Board of County Commissioners has  
10 determined that the amendment complies with all requirements of the  
11 Local Government Comprehensive Planning and Land Development Regulation  
12 Act.

13 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
14 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

15 Part I. Amendments to the Future Land Use Atlas of the Land Use  
16 Element of the 1989 Comprehensive Plan

17 The following amendment to the Future Land Use Element's Future  
18 Land Use Atlas is hereby adopted and is attached to this Ordinance:

19 A. Future Land Use Atlas page 83 is amended as follows:

20 Application No.: 01-SCA 83 COM 1 (Zank 3/Walgreens)

21 Amendment: From Medium Residential, 5 units per acre  
22 (MR-5) to Commercial Low, with an underlying  
23 5 units per acre (CL/5) with cross-hatching  
24 on the western 200 feet of the site;

25 General Location: North side of Hypoluxo Road, approximately  
26 233 feet west of Congress Avenue;

27 Size: Approximately 1.95 acres;

28 B. Conditions: This parcel is subject to the following  
29 conditions:

30 1. Access to the site shall be limited to Congress Avenue  
31 and Hypoluxo Road; and

32 2. A minimum 20 foot wide landscape buffer strip shall be  
33 required along the northern property line.

1                    Part II. Repeal of Laws in Conflict

2                    All local laws and ordinances applying to the unincorporated area  
3                    of Palm Beach County in conflict with any provision of this ordinance  
4                    are hereby repealed to the extent of such conflict.

5                    Part III. Severability

6                    If any section, paragraph, sentence, clause, phrase, or word of  
7                    this Ordinance is for any reason held by the Court to be  
8                    unconstitutional, inoperative or void, such holding shall not affect  
9                    the remainder of this Ordinance.

10                   Part IV. Inclusion in the 1989 Comprehensive Plan

11                   The provisions of this Ordinance shall become and be made a part  
12                   of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
13                   Ordinance may be renumbered or relettered to accomplish such, and the  
14                   word "ordinance" may be changed to "section," "article," or any other  
15                   appropriate word.

16                   Part V. Effective Date

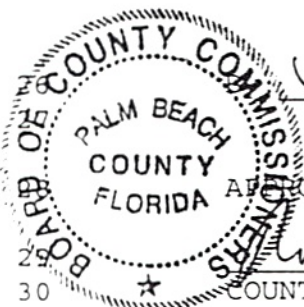
17                   This amendment shall not become effective until 31 days after  
18                   adoption. If challenged within 30 days after adoption, this amendment  
19                   shall not become effective until the state land planning agency or the  
20                   Administration Commission, respectively, issues a final order  
21                   determining the amendment is in compliance.

22                   **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm  
23                   Beach County, on the 22 day of February, 2001.

24                   ATTEST:  
25                   DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

By W. H. Newell  
~~Chair~~  
Warren H. Newell, Chairman



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

29                   [Signature]  
30                   COUNTY ATTORNEY

31                   Filed with the Department of State on the 28th day  
32                   of February, 2001.

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EXHIBIT 1

Amendment No.: 01-SCA 83 COM 1 (Zank 3/Walgreens)

FLUA Page No.: 83

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low, with an underlying 5 units per acre (CL/5) with cross-hatching on the western 200 feet of the site.

Location: North side of Hypoluxo Road, approximately 233 feet west of Congress Avenue.

Size: Approximately 1.95 acres

Property No.: 00-43-45-06-01-001-0030 00-43-45-06-01-001-0070  
00-43-45-06-01-001-0040 00-43-45-06-01-001-0080  
00-43-45-06-01-001-0050 00-43-45-06-01-001-0090  
00-43-45-06-01-001-0060

Legal Description: See attached

Conditions: 1. Access to the site shall be limited to Congress Avenue and Hypoluxo Road; and  
2. A minimum 20 foot wide landscape buffer strip shall be required along the northern property line.



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**Legal Description:**

**Parcel 1:**

The North 115 feet of the South 180 feet of the West 100 feet of the East 450 feet of Section 6, Township 45 South, Range 43 East, Palm Beach County, Florida, (a/k/a Lot 9, Block 1, HYPOLUXO VILLAGE, AM/116 unrecorded Plat).

**Parcel 2:**

The North 125 feet of the South 305 feet of the West 100 feet of the East 350 feet of Section 6, Township 45 South, Range 43 East, Palm Beach County, Florida, (a/k/a Lot 3, Block 1, HYPOLUXO VILLAGE, Plat No.1.(Unrecorded)

**Parcel 3:**

Lot Six (6), Block One (1), HYPOLUXO VILLAGE, being an unrecorded plat in the SE 1/4 of Section 6, Township 45 South, Range 43 East. Beginning at a point which is 180 feet north and 550 west of the southeast corner of Section 6, Township 45 South, Range 43 East; thence North parallel to East line of said Section, 125 feet; thence West parallel to the south line of said Section, 125 feet; thence South parallel to the East line of said Section, 125 feet; thence East parallel to the South line of said Section, 125 feet to the point of beginning. Subject to an easement for road purposes over the north 25 feet and west 25 feet.

**Parcel 4:**

Lot 4, Block 1, HYPOLUXO VILLAGE, an unrecorded plat: said lot more particularly described as follows: The North 125 feet of the South 305 feet of the West 100 feet of the East 450 feet of Section 6, Township 45 South, Range 43 East.

**Parcel 5:**

Lot 8, Block 1, HYPOLUXO VILLAGE PLAT I, an unrecorded Plat in the Southeast 1/4 of Section 6, Township 45 South, Range 43 East, Palm Beach County, Florida. Beginning at a point which is 80 feet North and 450 feet West of the Southeast corner of Section 6, Township 45 South, Range 43 East; thence North parallel to the East line of said Section, 100 feet; thence West parallel to the South line of said Section, 100 feet; thence South parallel to the East line of said Section, 100 feet; thence East parallel to the South line of said Section, 100 feet to the point of beginning.

**Parcel 6:**

Lot 7, Block 1, an unrecorded plat in the Southeast 1/4 of Section 6, Township 45 South, Range 43 East. Beginning at a point which is 80 feet North and 550 feet West of the Southeast corner of Section 6, Township 45 South, Range 43 East; thence North parallel to the East line of said Section, 100 feet; thence West parallel to the South line of said Section, 125 feet; thence South parallel to the East line of said Section, 100 feet; thence East parallel to the South line of said Section, 125 feet to the point of beginning. Subject to an easement for road purposes over the West 25 feet.

**Parcel 7:**

Lot 5, Block 1, HYPOLUXO VILLAGE PLAT NO. 1, an unrecorded plat in the Southeast 1/4 of Section 6, Township 45 South, Range 43 East. Beginning at a point which is 180 feet North and 450 feet West of the Southeast corner of Section 6, Township 45 South, Range 43 East; thence North parallel to the East line of said Section, 100 feet; thence West parallel to the South line of said Section, 125 feet; thence South parallel to the East line of said Section, 100 feet; thence East parallel to the South line of said Section, 125 feet to the point of beginning. . Subject to an easement for road purposes over the North 25 feet.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on February 22, 2001  
DATED at West Palm Beach, FL on 3/6/01  
DOROTHY H. WILKEN, Clerk  
By: William Brown D.C.